IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NOs: 20772, 20791, 20804, 20845 and 18397 of 2004

Between:

Kum.Konduru Krishnaveni, D/o Ramanaiah,
R/o Venkatagiri, Nellore District

... PETITIONER

AND

1 The District Collector & District Magistrate, Nellore
2 The District Educational Officer, Nellore
3 The Revenue Divisional Officer, Nellore
4 The Mandal Revenue Officer, Ananthasagaram Mandal, Ananthasagaram, Nellore District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction or order especially in the nature of Writ of Mandamus, declaring the proceedings of the Collector & District Magistrate, Nellore in D.Dis.No.C5(M)1612/2004, dated
22-09-2004, cancelling caste certificate bearing F.Dis.No.55/2002,

dated 10-05-2002, issued by the Mandal Revenue Officer, Ananthasagaram in favour of the petitioner, is illegal, arbitrary and violation of principles of natural justice, contrary to the procedure prescribed under the rules and offending the Article 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

WRIT PETITION NO: 20791 of 2004

Between:

Konduru Sankaraiah, S/o. Venkata Subba Raju,
R/o. West Gudur Town & Mandal, Nellore District.

... PETITIONER

AND

1 The Collector & District Magistrate, Nellore.
2 The District Educational Officer, Nellore.
3 The Revenue Divisional Officer, Gudur, Nellore District.
4 The Mandal Revenue Officer, Gudur, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction or order especially in the nature of WRIT OF MANDAMUS, declaring the proceedings of the Collector & District Magistrate, Nellore in Rc.C5(M)1604/2004, dated 03-10-2004, cancelling caste certificate bearing No. 000618-A, dated 27-12-1998, issued by the Mandal Revenue Officer, Gudur, Nellor District, in favour of the petitioner, is illegal, arbitrary and violation of principles of natural justice, contrary to the procedure prescribed under the rules and offending the Article 14 and 21 of the constitution of India.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

WRIT PETITION NO: 20804 of 2004

Between:

Konduru Bhaskar Raju, S/o. Krishnam Raju,
R/o. Varadanagar, Gudur, Nellore District.

... PETITIONER

AND

1 The Collector & District Magistrate, Nellore.
2 The District Educational Officer, Nellore.
3 The R.D.O., Gudur, Nellore District.
4 The M.R.O., Gudur, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, direction or order especially in the nature of Writ of Mandamus, declaring the proceedings of the Collector & District Magistrate, Nellore in Rc.C5(M)1602/2004, dt. 02.10.2004, is illegal, arbitrary and violation of principles of natural justice, contrary to the procedure prescribed under the rules and offending the Article 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

WRIT PETITION NO: 20845 of 2004

Between:

Yellam Raju Murali Mohan, S/o Pullam Raju,
R/o Vajjavaripalem, Chavata Village, Ozilli Mandal, Nellore District

... PETITIONER

AND

1 The Collector & District Magistrate, Nellore
2 The District Educational Officer, Nellore
3 The Revenue Divisional Officer, Nellore
4 The Mandal Revenue Officer, Nellore

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction or order especially in the nature of Writ of Mandamus, declaring the proceedings of the Collector & District Magistrate, Nellore in Rc.C5(M)1603/2004, dated 02-10-2004, cancelling caste certificate bearing No.1677/2002, dated 22-07-2002 and F.Dis.No.4268/92, dated 11-6-92, No.111/94, dated 28-6-94 and No.5954/2001, dated 09-01-2001 issued by the Mandal Revenue Officer, Nellore, in favour of the petitioner, is illegal, arbitrary and violation of principles of natural justice, contrary to the procedure prescribed under the rules and offending the Article 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

WRIT PETITION NO: 18397 of 2004

Between:

Kum. Konduru Anitha Bhavani, D/o. Venkata Narayana Raju,
R/o. H.No. 2/79, Narasinga Rao Peta, Gudur, Nellore District.

... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore District.
3 Mandal Revenue Officer, Gudur (Urban), Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction or order especially in the nature of writ of Mandamus declaring the Proceeding in D.Dis.No. (M)1319/2002, dated 16-8-2004 issued by the Collector and District Magistrate, Nellore cancelling my Certificate No. 000693 under Section 5(1) of A.P. (SC, ST and BC's) Regulation of issue of Community Certificates Act, 1993 is illegal, arbitrary and violation of principles of natural justice, contrary to the procedure prescribed under the rules and offending the Article 14 and 21 of the constitution of India.

Counsel for the Petitioner: MR.M.SUBRAHMANYAM

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following Common Order:

COMMON ORDER:

Since the issue involved in all the Writ Petitions is
inter-linked, they are being disposed of by this Common order.

2. Petitioners who obtained Caste Certificates of B.C. (A) Community (Agnikula-kshatriya) appeared before the District Selection Committee examination in the year 2002 for selection to the post of Secondary Grade Teacher. When the petitioners appeared for counseling on various dates, they were appointed temporarily as Secondary Grade Teachers and posted to various schools. On petitioners joining service, a news item was published stating that the appointment of several candidates selected in the District Selection Committee was kept in abeyance on the ground that an enquiry was ordered into the genuineness of the caste certificates produced by them. Since the petitioners' names were kept in abeyance, they approached the A.P. Administrative Tribunal and filed O.A. s which were disposed of setting aside the order passed keeping the petitioners' appointment in abeyance with a

declaration that petitioners are entitled to continue in service as Secondary Grade Teachers and giving liberty to the respondents to proceed in the matter in accordance with the provisions of law. On such disposal of the O.A. s, the matter was referred to the District Level Scrutiny Committee under Rule 9 (1) of the A.P. Scheduled Castes, Scheduled Tribes and Backward Classes – Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 (for short 'the Rules'). The Committee after taking note of the representation filed by the petitioners and the evidence adduced therein, recommended for cancellation of the caste certificates issued in favour of the petitioners with a direction to the Mandal Revenue Officer to register a case against the petitioners under Section 10 of the A.P. (S.C., S.T & B.Cs.) Regulation of issuance of Community Certificates Act, 1993 (for short 'the Act'), for fraudulently obtaining the certificates. Questioning the same, the present writ petition has been filed.

3. Against any order passed under Section 5 (1) of the Act, appeal lies to the Government under sub-section (2) of Section 7 of the Act within 30 days from the date of notification issued in this regard. Since no notification as such is issued, petitioners are at liberty to approach the Government. In view of the alternative remedy available to the petitioners, the present writ petitions cannot be entertained and they are accordingly dismissed with liberty to the petitioners to avail the appeal remedy as and when such notification is issued. No order as to costs.

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A. **GOPAL REDDY, J**

November 17, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector & District Magistrate, Nellore
2 The District Educational Officer, Nellore
3 The Revenue Divisional Officer, Nellore
4 The Revenue Divisional Officer, Gudur, Nellore District

5. The Mandal Revenue Officer, Ananthasagaram Mandal, Ananthasagaram, Nellore District

6. The Mandal Revenue Officer, Gudur, Nellore District.

7. The Mandal Revenue Officer, Gudur (Urban) Nellore District.

8. Two C.C. s to the G.P. for Social Welfare, High Court Buildings, Hyderabad

(OUT)

9. Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

10. Two C.D. Copies.